रजिस्ट्री सं० डी० एल० -33004 / 97 REGISTERED No. DL-33004/97

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, सोमवार, अगस्त, 4, 1997 / श्रावण 13, 1919
No. 34] NEW DELHI, MONDAY, AUGUST, 4, 1997 / Shravana 13, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 4th August, 1997:—

I

BILL NO XLII OF 1997

A Bill further to amend the Presidential and Vice-Presidential Elections Act, 1952.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Presidential and Vice-Presidential Elections (Amendment) Act, 1997. Short title and commencement.

(*2*) It shall be deemed to have come into force on the 5th day of June, 1997.

31 of 1952. **2.** In section 5B of the Presidential and Vice-Presidential Elections Act, 1952 (hereinafter referred to as the principal Act), in sub-section (*1*),— Amendment of section 5B.

(*i*) in clause (*a*), for the words "ten electors" at both the places, where they occur, the words "fifty electors" shall be substituted;

(*ii*) in clause (*b*), for the words "five electors" at both the places, where they occur, the words "twenty electors" shall be substituted.

3. In section 5C of the principal Act, in sub-section (*1*), for the words "two thousand five hundred rupees", the words "fifteen thousand rupees" shall be substituted. Amendment of section 5C.

Repeal and saving.

4. (*1*) The Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1997, is hereby repealed. Ord. 13 of 1997.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In the Presidential and Vice-Presidential Elections Act, 1952, as originally enacted, no security deposit was prescribed. The nomination paper of the candidate, however, was required to be subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

2. In order to discourage frivolous candidates from filing nominations to the offices of the President and Vice-President, the Act was amended in 1974 to provide that, in case of Presidential election, the nomination paper should be subscribed by the candidate as assenting to the nomination and also by at least ten electors as proposers and at least ten electors as seconders. In the case of Vice-Presidential election, the requirement was that the nomination paper should be subscribed by the candidate as assenting to the nomination and also by at least five electors as proposers and at least five electors as seconders. The amendment also provided that the candidate for Presidential and Vice-Presidential elections shall have to deposit a sum of two thousand and five hundred rupees.

3. The aforesaid amendments are not sufficient deterrent to discourage non-serious candidates. The Election Commission of India, in February, 1997, suggested that the security deposit for elections to the offices of the President and Vice-President may be enhanced.

4. The Government considered the suggestion made by the Election Commission and decided to enhance the security deposit to fifteen thousand rupees. It also decided to increase the minimum number of proposers and seconders to fifty each in respect of election to the office of President and twenty each in respect of election to the office of Vice-President.

5. As Parliament was not in session and the notification for Presidential election was to be issued on 9th day of June, 1997, the said amendment was effected by promulgating the Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1997.

6. The Bill seeks to replace the said Ordinance.

RAMAKANT D. KHALAP.

II

BILL No. XLIV OF 1997

A Bill further to amend the Notaries Act, 1952.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Notaries (Amendment) Act, 1997.

Amendment of section 2.

53 of 1952.

2. In section 2 of the Notaries Act, 1952 (hereinafter referred to as the principal Act), for clause (*c*) the following clause shall be substituted, namely:—

'(*c*) "legal practitioner" means an advocate entered in any roll under the provisions of the Advocates Act, 1961.'.

25 of 1961.

Amendment of section 5.

3. In section 5 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the word "shall", the word "may" shall be substituted;

(*ii*) in clause (*b*), for the words "three years", the words "five years" shall be substituted;

(*b*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The Government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time.".

Amendment of section 8.

4. In section 8 of the principal Act, in sub-section (*1*),—

(*a*) after clause (*h*), the following clauses shall be inserted, namely:—

"(*ha*) act as protem judge or magistrate in the absence of sitting judge or magistrate on being so directed;

(*hb*) act as a Commissioner to record evidence in any civil or criminal trial if so directed by any court or authority;

(*hc*) act as an arbitrator, mediator or conciliator, if so required;".

Amendment of section 10.

5. In section 10 of the principal Act,—

(*i*) in clause (*d*), the word "or" shall be inserted at the end;

(*ii*) after clause (*d*), the following clauses shall be inserted, namely:—

"(*e*) is convicted by any court for an offence involving moral turpitude; or

(*f*) does not get his certificate of practice renewed.".

Amendment of section 12.

6. In section 12 of the principal Act, for the words "three months", the words "one year" shall be substituted.

Amendment of section 15.

7. In section 15 of the principal Act, in sub-section (*2*), for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, area of practice or enlargement of area of practice and exemption whether wholly or in part, from such fees in specified classes of cases;".

STATEMENT OF OBJECTS AND REASONS

Though the Notaries Act, 1952 has been in force for more than forty years, no major amendments have been made to the Act since 9th day of August, 1952 when it was brought into force. With a view to studying all aspects relating to appointment of notaries and other matters relating to the administration of the Act a Committee was constituted. The said Committee after making an indepth study of the Act and the rules made thereunder submitted its recommendations on 30.9.1994. The Committee made recommendations regarding amendments to certain provisions of the Act and accordingly it is proposed to amend the Act to provide, *inter-alia*, for,—

(*a*) rationalisation of the procedure for renewal of certificate of practice;

(*b*) the exercise of the functions of protem judge, magistrate, commissioner, arbitrator etc. by a notary when so directed;

(*c*) the removal of the name of a notary on conviction by a court for any offence involving moral turpitude or for failing to get the certificate renewed;

(*d*) enhancing the quantum of punishment for falsely representing as a notary or doing any notarial act in contravention of section 9 from three months to one year; and

2. The Bill seeks to achieve the above objects.

RAMAKANT D. KHALAP.

S.S. SOHONI,
Secretary-General.

Published by the Secretary-General, Rajya Sabha under rule 68 of the Rules of Procedure and Conduct of Business in the Rajya Sabha.